

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA

VS

4:07CR00155-001 SWW

ROBERT DAVID GADDIS II

ORDER

On December 11, 2009, the Court granted the Government's Motion for Examination to Determine Competency to Stand Trial (18 U.S.C. § 4241) and for Determination of Existence of Insanity at the Time of Offense (18 U.S.C. § 4242).

The United States Marshal for the Eastern District of Arkansas has advised the Court that Defendant has been designated to **FCI Englewood Detention Center** for the examination. Accordingly, the United States Marshal is directed to transport Defendant to **FCI Englewood Detention Center** forthwith.¹

Under 18 U.S.C. § 4247(b) and (c), Defendant is committed to the custody of the Attorney General, or his authorized representative, for a period not to exceed thirty (30) days for a psychiatric or psychological examination under 18 U.S.C. § 4241 and for a period not to exceed forty-five (45) days for psychiatric or psychological examination under 18 U.S.C. § 4242. Both time periods exclude any time consumed by transportation.

¹Based on 18 U.S.C. § 3161(h)(1)(H), time consumed by transportation in excess of ten (10) days from today is presumed unreasonable under the Speedy Trial Act.

Based on 18 U.S.C. § 4247(c), the facility conducting the examination will file a report with this Court with copies to Defendant's counsel and the Prosecution.

Eleven (11) days from the date the examination report is received by the Court and the parties, any party who requests a hearing regarding any issues in the report or opposes the report must file a motion for hearing or a motion in opposition, including a concise statement of opposition to the report and supporting authorities.

If no motions are filed within eleven (11) days, the Court will enter an Order adopting or rejecting the conclusions set forth in the report, and the period of excludable delay will end.²

IT IS SO ORDERED this 11th day of January 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

²18 U.S.C. § 3161(h)(1)(A).